

Notice of Allowability

Application No.

10/668,458

Examiner

Matthew D. Hoel

Applicant(s)

JUBINVILLE ET AL.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/05/2006.
2. ☒ The allowed claim(s) is/are 3-7, renumbered as 1-5, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700

DETAILED ACTION***Allowable Subject Matter***

1. The following is an examiner's statement of reasons for allowance: The examiner finds the inventive step to be awarding a share of the jackpot to each entry in which none of the first subset of numbers matched the second subset of numbers and the difference between each of the corresponding numbers in the first and second subsets of numbers is equal, as in Claim 3; awarding a share of the jackpot to each entry in which none of the first subset of numbers matched the second subset of numbers and none of the numbers in the first subset match any of the numbers in the third subset, as in Claim 4; and awarding a share of the jackpot to each entry in which none of the first subset of numbers matched the second subset of numbers, the jackpot is greater than a predetermined maximum amount, and fewer than all of the numbers of the first subset match numbers of the second subset, as in Claim 6. These methods of awarding portions of the jackpot are unusual and not suggested by the prior art. The closest prior art merely discusses dealing consolation prizes to those who do not win the jackpot. The examiner respects that the applicants may have different reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

2. The objection to Claim 1 is withdrawn. The amendments to the drawings and specification are accepted and found to have no new matter. The objection to the drawings is withdrawn. The restriction is final as all of the elected claims from Group I are now allowable, and all of the non-elected claims (Groups II-IV) are cancelled. The applicants can file a divisional application before the present application issues.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent publications 2006/0178197 A1, 2002/0037766 A1, 2004/0229676 A1, 2005/0035547 A1, 2006/0252488 A1, 2006/0214376 A1, 2004/0152510 A1, 2004/0152505 A1, 2004/0152504 A1, and 2003/0013516 A1 are considered to be relevant as they mention awarding consolation prizes when there is no match. WIPO publication WO 95/12181 A1 is considered to be relevant as it mentions consolation prizes in lotteries.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

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5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew D. Hoel, Patent Examiner
AU 3714



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TC3700